

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BARRON PARTNERS, LP,

Plaintiff,

Docket No.: 07-CV-11135 (JSR)

-against-

LAB123, INC., HENRY A. WARNER, FRED
FITZSIMMONS, KENT B. CONNALLY, KURT
KATZ, ROBERT TRUMPY, JEREMY J. WARNER,
DAVID FLEISNER, BIOSAFE LABORATORIES,
INC. and BIOSAFE MEDICAL TECHNOLOGIES,
INC.,

Defendants.

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TO:	Barry R. Lax, Esq. Lax & Neville, LLP 1412 Broadway Suite 1407 New York, NY 10018 (212) 696-1999	Arthur W. Aufmann, Esq. Edward T. Joyce & Associates, P.C. 11 South LaSalle Street Suite 1600 Chicago, Illinois 60603 (312) 641-2600
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NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon Defendants Lab 123, Henry A. Warner, Kent B. Connally, Robert Trumpy, Jeremy J. Warner, Biosafe Laboratories, Inc. and Biosafe Medical Technologies, Inc. have filed a Motion to Dismiss the Complaint against defendants Kent B. Connally and Jeremy J. Warner for lack of personal jurisdiction and a Motion to Dismiss the Complaint against all the above-named defendants, for failure to state a claim upon which relief can be granted.

In accordance with the Court's directions, plaintiff, Barron Partners, LP must file its opposition on or before May 14, 2008, and defendants must file their reply on or before May 21, 2008. The Court will hold oral argument on June 3, 2008 at 12:00 p.m.

Dated: April 30, 2008

Respectfully submitted,



Janene Marasciullo (*pro hac vice*)
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CERTIFICATE OF SERVICE

I, TODD D. KREMEN, ESQUIRE, attorney for Defendants, LAB123, INC., BIOSAFE LABORATORIES, INC., BIOSAFE MEDICAL TECHNOLOGIES, INC., HENRY A. WARNER, KENT B. CONNALLY, ROBERT TRUMPY and JEREMY J. WARNER, do hereby certify that a true and correct copy of the foregoing NOTICE OF MOTION was filed electronically with the Court using the CM/ECF system, which sent notification to the following parties:

Barry R. Lax, Esq.
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Dated: April 30, 2008



TODD D. KREMIN, ESQ. (TK-0102)